

BUILDING AND PLANNING DEPARTMENT

APPLICANT: Joseph and Kerri Pintar

ACTION REQUESTED: abandonment of road

ASSESSOR'S PARCEL NUMBER(S) 001-451-14

STREET ADDRESS & GENERAL LOCATION OF PROPERTY: 1049 Bell ave

OWNER: Joseph and Kerri Pintar

NAME: Same as Above

MAILING ADDRESS: 1417 Mill st

CITY, STATE: Ely, NV 89301

TELEPHONE #: 775-296-2322 **EMAIL :**

FINDING OF FACT: abandonment of street to maintain prevailing curvature of the street

Conclusions: recommend approval

1. Compliance with NRS and City Code:	Confirmed
2. Notice for Paper & Mailings:	None
3. Zoning:	R-1-75
4. Proposed Activity	Abandonment
5. Compatibility with Surrounding Use:	Yes
6. Access:	Bell ave
7. Compliance with Regulations:	yes
8. Potential Impact on Neighboring Property(including noise, odor, dangerous materials, et.)	None
9. Access/Traffic:	Bell ave
10. Sherriff	No comment
11: Public works	No comment
12. Building Department	Recommends approval, curb and gutter placement to be directed by city engineer.

13. Fire Department	Recommends approval
14. Comments Received During Public Hearing	



RCPT# 798571 \$420
5/20/22 - WJL

CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

PETITION FOR VACATION OR ABANDONMENT OF ROAD OR EASEMENT (NRS.278.480)

TO: ELY PLANNING COMMISSION
City of Ely, State of Nevada

APPLICATION FEE \$300.00
PUBLICATION FEE \$100.00
CERTIFIED MAILING \$10.00/EA

DATE OF APPLICATION: 5/20/22

The Petitioner presents this Petition and Requests the City Road/Easement described below be abandoned or vacated, to-wit:

PETITIONER: Joseph & Kerri Pinter

ADDRESS: 1417 Mill Street Ely, NV 89301

TELEPHONE: (775) 294-2322 c (775) 289-6314 h

AUTHORITY OF APPLICANT: Local Government
Abutting Owner X

Description of Road, Street, Alley or Easement to be abandoned:

Section of city road approximately 21' north end / 9' south end by 134.82
street frontage located at 1049 S. Bell Avenue / Parcel # 001-451-14. Propose.
area for abandonment is marked with blue stripping paint.

The distance of the right-of-way requested to be abandoned consists of:

Approx. 1700 sq. ft. (9' South end / 21' North end x 134.82 frontage) (feet/miles)

The reason for the proposed abandonment of vacation: Parcel proposed abandonment request is
made to install / tie the new curb and gutter into existing curb and gutter
from parcel # 001-451-13 on the south side to parcel # 001-443-18 on
the north side while maintaining the prevailing curvature of the street.

Name of Abutting Owner (s):

NAME: Karl & Jennifer Lee

ADDRESS: 1033 S. Bell Avenue Ely, NV 89301

TELEPHONE: (775) 289-2430

NAME: Daniel Nielson / Karen Peper

ADDRESS: 1101 S. Bell Avenue Ely, NV 89301

TELEPHONE: (775) 293-0217 & (775) 293-0216

(If more than two, please attach a list.)

Legal description of property adjacent to right-of-way to be abandoned (lots, block, subdivision, etc.):

Parcel 4A as shown on Record of Survey Boundary Line Adjustment for Marilyn S. Chachas Living Revocable Trust recorded August 7, 2007, as Map No. 10: File No. 338636, in the Office of the County Recorder of White Pine County, Nevada, located in a portion of the Southwest Quarter of Section 15, Township 16 North, Range 63 East, D.M.B. & M.

Attach a map of plat showing the road, street, alley or easement to be abandoned or vacated and the adjacent property.

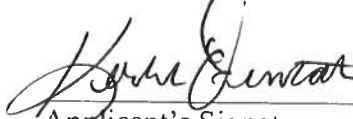
CITY OF ELY STREET & ALLEY
ABANDONMENT CRITERIA CHECKLIST

The following is a list of factors to be considered before any portion of a designated City street or alleyway (roadway) is fully abandoned. "Fully" abandoned means that the roadway is severed and no passage can occur. "Partially" abandoned means the roadway is reduced in width, but is still effective as a roadway or utility corridor:

1. Is the roadway currently used as access to any private or public property?
2. Is it presently used as a route for any utility?
3. Is it wide enough to be practically used as either a utility or roadway corridor?
4. Will the proposed abandonment isolate any property from public access?
5. Will the proposed abandonment diminish in any way the access of safety or utility services to any property?
6. Does the roadway proposed for abandonment have future potential as either a utility or roadway corridor?
7. Does the roadway proposed for abandonment have potential as a walking trail, linear park, buffer zone or any other public service?

If the answer to any of these questions is "yes", then the roadway should not be abandoned. A City roadway may only be abandoned with the approval of the City Fire Chief, City Engineer, City Planning Commission, City Council, and Mayor.

To the best of my knowledge, the above information is true and correct.


Applicant's Signature

05/20/22
Date

NRS 278.430 Vacation or abandonment of street or easement: Procedures, prerequisites and effect; appeal; reservation of certain easements; sale of vacated portion.

1. Except as otherwise provided in subsection 11, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 273.349.

3. A government patent easement which is no longer required for a public purpose may be vacated by:

(a) The governing body; or

(b) The planning commission, hearing examiner or other designee, if authorized to take final action by the governing body,

without conducting a hearing on the vacation if the applicant for the vacation obtains the written consent of each owner of property abutting the proposed vacation and any utility that is affected by the proposed vacation.

4. Except as otherwise provided in subsection 3, if any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5:

(a) Notify each owner of property abutting the proposed abandonment. Such notice must be provided by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient.

(b) Cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing.

5. Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 273.3195.

6. In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street, the governing body of the local government having jurisdiction over the street, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide each public utility and video service provider serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or video service provider, as applicable, shall respond in writing, indicating either that the public utility or video service provider, as applicable, does not require an easement or that the public utility or video service provider, as applicable, wishes to request the reservation of an easement. If a public utility or video service provider indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or video service provider, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.

7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his or her property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

9. If an easement for light and air owned by a city or a county is adjacent to a street vacated pursuant to the provisions of this section, the easement is vacated upon the vacation of the street.

10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city or county.

11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

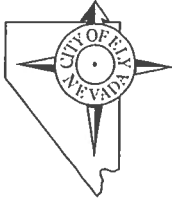
12. As used in this section:

(a) "Government patent easement" means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.

(b) "Public utility" has the meaning ascribed to it in NRS 360.815.

(c) "Video service provider" has the meaning ascribed to it in NRS 711.151.

[30:110:1941; 1931 NCL § 5063.29]—(NRS A 1967, 268, 696; 1969, 588; 1973, 1830; 1975, 164; 1977, 1506; 1979, 600; 1981, 165, 580; 1987, 663; 1993, 2580; 1997, 2436; 2001, 1451, 2813, 2822; 2007, 992)



CITY OF ELY

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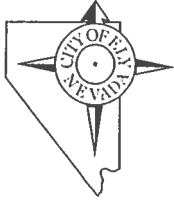
July 8, 2022

NOTICE OF PUBLIC HEARING

The Ely City Council will hold a Public Hearing at 5:30 p.m. or soon thereafter, at their regular meeting scheduled to be held on July 28, 2022 at the Ely Volunteer Fire Hall located at 499 Mill Street, Ely, NV. The purpose of the Hearing is to consider a Petition for Vacation or Abandonment of a Road or Easement. The applicants, Joseph and Kerri Pintar, wish to have a section of the street frontage abutting their property abandoned. The section would be 21' on the north end and 9' on the south end, by 134.82' street frontage. The property address is 1049 Bell Avenue, Ely, NV. The APN is 001-451-14

You may voice your opinion concerning this action by appearing at the meeting or by sending written comments to City of Ely Building Department at 501 Mill Street, Ely, Nevada 89301 no later than the close of business on July 27, 2022. Any correspondence received after 5:00 p.m. on July 27, 2022 will not be considered. Comments received will be read into the record during the Public Hearing.

Jennifer Drew-Lesher
Administrative Assistant



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

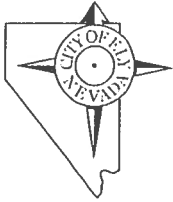
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Jennifer Drew-Lesher
Administrative Assistant

Publish Ely Times July 8th



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

May 27, 2022

NOTICE OF PUBLIC HEARING

The Regional Planning Commission will hold a Public Hearing at their regular meeting scheduled to be held on June 15, 2022 at 5:30 p.m. or soon thereafter, at the White Pine County Library Conference room located at 950 Campton Street, Ely, NV. The purpose of the Hearing is to consider a Petition for Vacation or Abandonment of a Road or Easement. The applicants, Joseph and Kerri Pintar, wish to have a section of the street frontage abutting their property abandoned. The section would be 21' on the north end and 9' on the south end, by 134.82' street frontage. The property address is 1049 Bell Avenue, Ely, NV. The APN is 001-451-14

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Jennifer Drew-Lesher
Administrative Assistant



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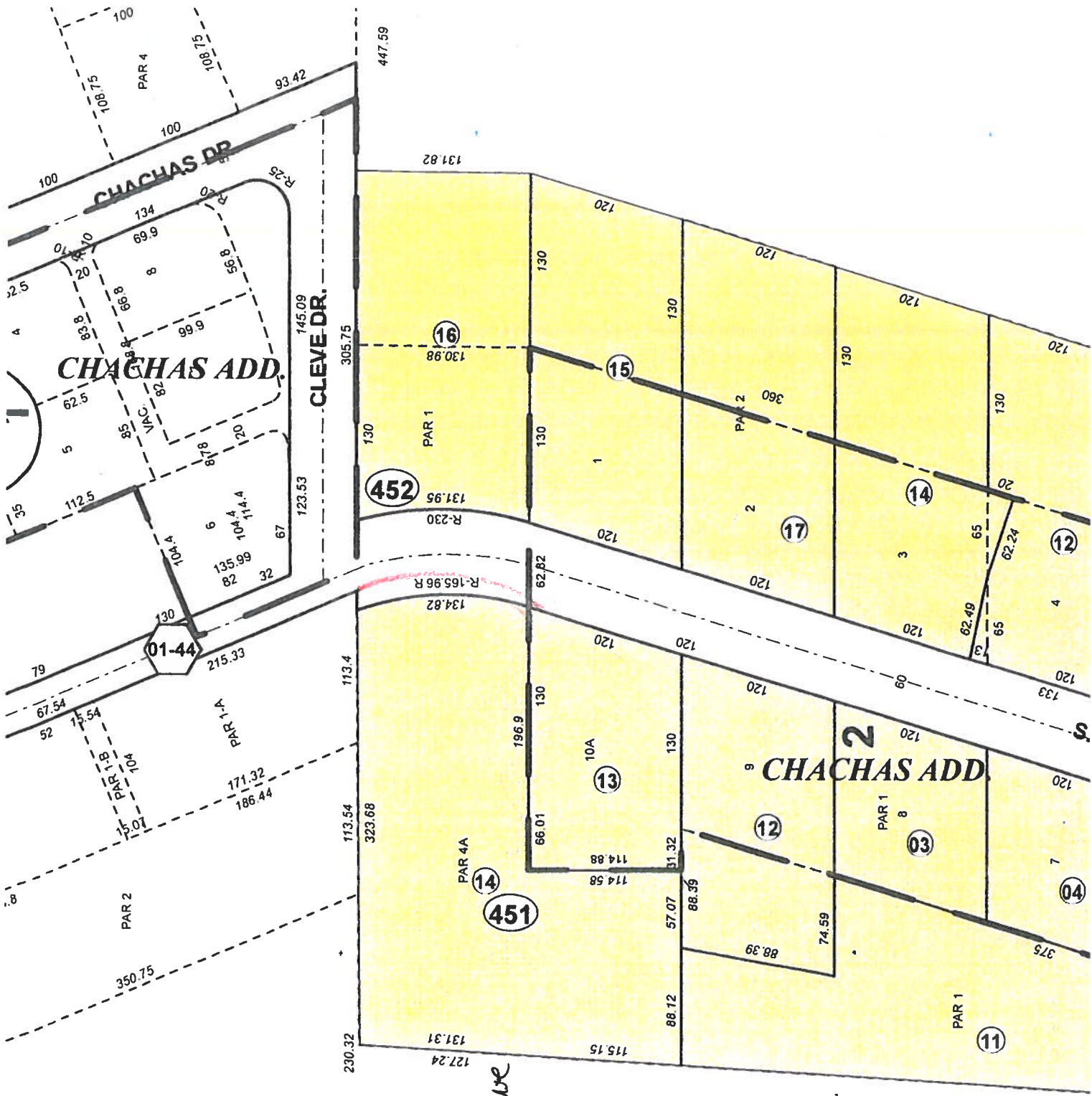
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Jennifer Drew-Lesher
Administrative Assistant

Publish Ely Times May 27th and June 3rd



265.26
265.21

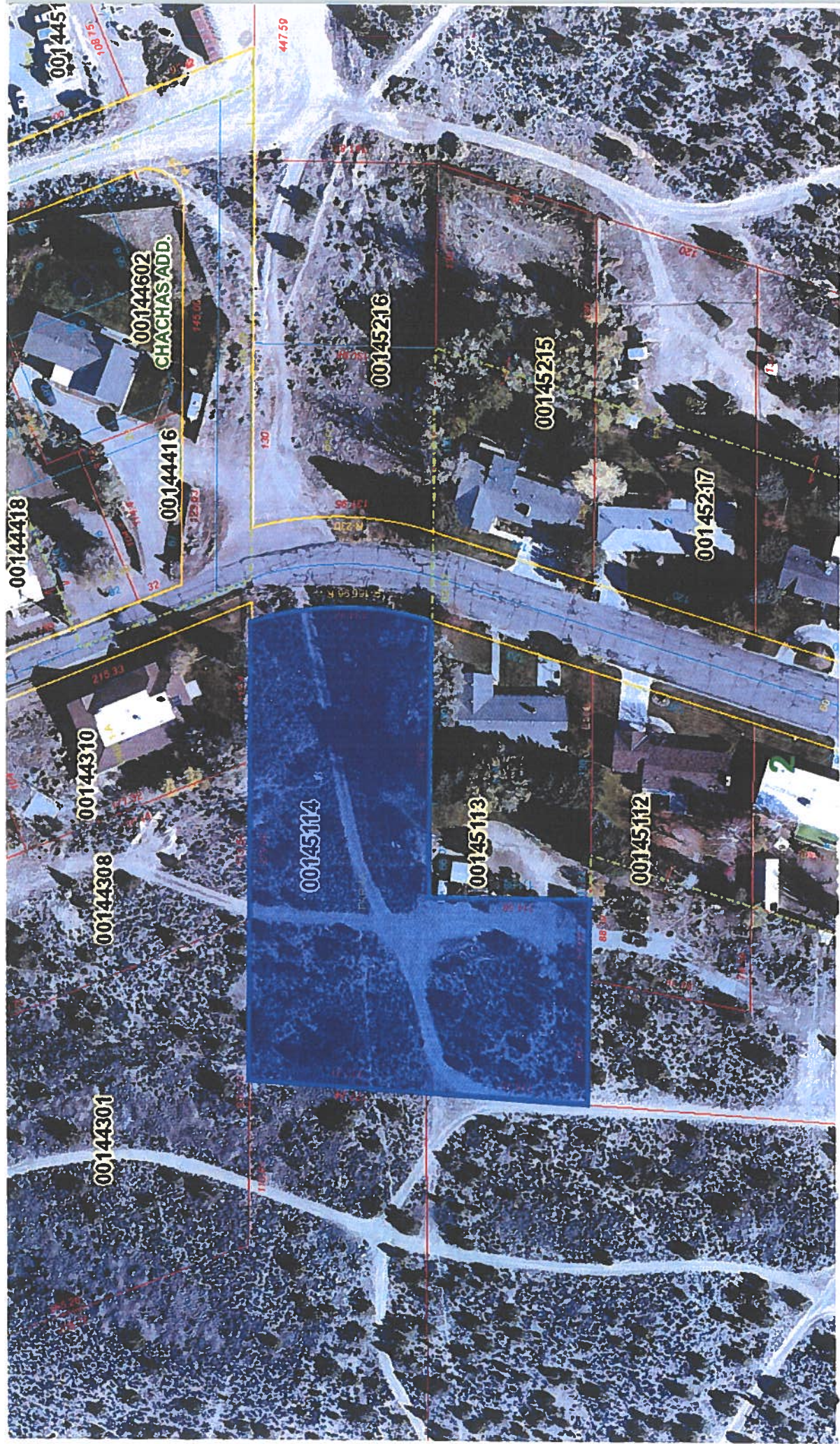
01-43

Parcel # 001-451-14
1049 S. Bell Avenue

518.08

Proposed area to be
abandoned is painted
with blue stripping
paint. Area is 21' north
end / 9' South end by
134.82' frontage. Est.
of approx Sq. ft. is 1700.





00144515

00144418

00144301

00144310

00144308

00144602
CHACHAS ADD.

00144416

00145114

00145216

00145113

00145215

00145112

00145217